

Article - Public Safety

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§10–201.

(a) (1) Only the State Fire Marshal may issue a license to operate a fireworks plant.

(2) A person shall be licensed by the State Fire Marshal before the person may operate a fireworks plant in the State.

(3) A license to operate a fireworks plant issued under this subtitle authorizes the licensee to:

(i) manufacture, process, and store 1.4 G fireworks, sparklers, sparkling devices, rockets, and Roman candles as authorized under this subtitle; and

(ii) store 1.4 G fireworks and 1.3 G fireworks at an approved location in a storage building approved by the State Fire Marshal or a local authority having jurisdiction over local fire prevention codes.

(b) Each fireworks plant in the State, regardless of when constructed, must conform to the requirements of this subtitle before a license to operate a fireworks plant is issued or renewed.

(c) Before the State Fire Marshal issues or renews a license to operate a fireworks plant:

(1) the State Fire Marshal, or a designee of the State Fire Marshal, shall:

(i) inspect the fireworks plant for compliance with this subtitle and regulations adopted under this subtitle; and

(ii) find the fireworks plant to be in full compliance with this subtitle and the regulations adopted under this subtitle;

(2) each unit of the State or political subdivision of the State that is responsible for determining compliance with other applicable statutes, ordinances, and regulations shall:

(i) determine whether the fireworks plant is in compliance with the other applicable statutes, ordinances, and regulations; and

(ii) report the results of the determination to the State Fire Marshal; and

(3) the State Fire Marshal must receive a report from each unit of the State or political subdivision of the State that is responsible for determining compliance with applicable statutes, ordinances, and regulations, that states that the fireworks plant is in full compliance.

(d) The State Fire Marshal may deny a license to operate a fireworks plant to an applicant who has been convicted of a felony under federal law or any state law.

(e) The term of a license may not exceed 1 year.

(f) An applicant shall pay to the State Fire Marshal a license fee of \$750.

(g) (1) Except as provided in paragraph (2) or (3) of this subsection, if a licensee commits a violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle, the State Fire Marshal may suspend the license of the licensee for not more than 30 days.

(2) The State Fire Marshal shall suspend for 30 days the license of a licensee who, within 5 years of committing a first violation, commits a second violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(3) The State Fire Marshal shall revoke the license of a licensee who, within 5 years of committing a first violation, commits a third violation, of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(4) On suspending or revoking a license under this subsection, the State Fire Marshal shall:

(i) file and keep a statement of the nature of the violation that resulted in the suspension or revocation; and

(ii) provide a copy of the statement to the owner and the operator of the fireworks plant.

(5) (i) If the State Fire Marshal suspends, revokes, or refuses to renew a license, the State Fire Marshal or designee of the State Fire Marshal shall:

1. determine whether the continued presence of explosive composition within the fireworks plant constitutes a danger to public safety; and

2. if there is a finding of a danger to public safety, remove and dispose of the explosive composition.

(ii) If the State Fire Marshal determines that the danger to public safety under subparagraph (i) of this paragraph is a clear and present danger, the State Fire Marshal or designee of the State Fire Marshal shall remove and dispose of the explosive composition even if an appeal is pending.

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